

### **REMARKS/ARGUMENTS**

The Office Action of November 30, 2007, has been reviewed and the following remarks are responsive thereto. Claim 35 has been amended. Claims 55-59 have been added. No new matter has been added. Claims 21, 23-26, 29-32, 35-37, 41-45 and 51-59 are pending upon entry of the present amendment. Reconsideration and allowance of the instant application is respectfully requested.

#### ***Claim Rejection Under 35 U.S.C. §103(a)***

Claims 21-26, 29-32, 35-37 and 41-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Piosenka *et al.* (U.S. Patent No. 5,926,756, “Piosenka”) in view of Shanahan (U.S. Patent No. 7,149,509, “Shanahan”). This rejection is respectfully traversed.

Independent claim 21 recites, *inter alia*, receiving a selection of a data category prior to initializing a data transfer between first and second portable devices and receiving a first set of personalization information to be transmitted to the second portable device upon initializing the data transfer. Claim 21 further recites automatically selecting a second set of personalized information to be transmitted to the second portable device from the first set of personalized information based on the selected data category. None of the cited references, either separately or in combination, teaches or suggests such features. The Office Action asserts that Shanahan describes such features at col. 3, line 64 – col. 4, line 3. Applicants respectfully disagree. The cited passage of Shanahan describes that if multiple blocks of information are being programmed into device 20 (i.e., the alleged second device), programmer 30 may “tag” the different blocks that device 20 and/or a user may distinguish among the different blocks stored therein. Shanahan makes no mention that such tagging corresponds to a selection of data to be transmitted. That is, Shanahan does not teach or suggest that whether the multiple blocks of information are to be programmed into device 20 is dependent on if the blocks are tagged or not. Piosenka does not cure these deficiencies of Shanahan.

Further, the cited references fail to teach or suggest making a selection of data to be transferred ***based on a data category selected prior to initializing the data transfer***. For example, Shanahan does not teach or suggest that tagging (even assuming, without conceding,

that tagging constitutes selection of data to be transmitted) is based on a data category selected prior to initializing of the data transfer. Claim 21 is thus allowable for at least these reasons.

Additionally, claim 21 further recites modifying data to be transferred from a first device to a second device in accordance with data field size information of one or more data fields included in a data record of the second device, wherein the data record corresponds to at least one of: a calendar, a phonebook, a message box and a call register. As noted in Applicants' previously filed response of October 29, 2007, nowhere does either Piosenka or Shanahan, either separately or in combination, teach or suggest such features. The Office Action asserts that it would have been obvious to one of ordinary skill in the art that text files (i.e., WML text files) would be either a phone book or a message box. The Office Action references col. 3, ll. 44-63 of Shanahan for the alleged teaching of WML text files. However, the Office Action's assertions are unsupported by the cited passage. While Shanahan discloses WML text files, nowhere does Shanahan teach or suggest that such WML text files constitute phonebooks or message boxes. If the Office Action is asserting Official Notice, Applicants respectfully request proper support. While the Office Action also alleges Piosenka provides support for phonebook data *being transferred from one device to another*, no support is given. As such, claim 21 is allowable for this additional reason.

Claims 29, 35, 41 and 51 recite features similar to those discussed above with respect to claim 21 and are thus allowable for substantially the same reasons as claim 21.

Claims 23-26, 29-32, 35-37, 42-45 and 52-54 are dependent on claims 21, 29, 35, 41, and 51, respectively, and are thus allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein. For example, claim 44 recites, *inter alia*, "modifying the first data record in accordance with the data field size information includes truncating at least a portion of the first data record." Contrary to the Office Action's assertions, nowhere does Piosenka or Shanahan, either separately or in combination, teach or suggest such features. The Office Action asserts that Shanahan teaches "truncating at least a portion of the data first record" at col. 3, lines 44-64. However, the cited passage merely relates to converting between format types (e.g., from MIDI to WAV or MPEG). There is no teaching or suggestion in Shanahan of truncating a portion of the data record as part of the conversion or at all. Accordingly, claim 44 is also allowable for this additional reason.

***New Claims***

Claims 55-59 are new. While Applicants note that claims 55-57 have not been rejected, Applicants submit the following remarks in the interest of expediting prosecution.

Claim 55 recites features similar to those discussed above with respect to claim 21 and is thus allowable for at least the same reasons as claim 21. Claims 56 and 57 are dependent on claim 55 and are thus allowable for at least the same reasons as claim 55.

Claims 58 and 59 are dependent on claim 21 and are thus allowable for at least the same reasons as claim 21.

**CONCLUSION**

All rejections having been addressed, Applicants respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: February 21, 2008

By:           /Chunhsi Andy Mu/            
Chunhsi Andy Mu  
Registration No. 58,216

1100 13th Street, N.W.  
Washington, D.C. 20005  
Tel: (202) 824-3000  
Fax: (202) 824-3001